

Image 1761

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Chi Wah Leung
Chi Chung Fung
Shek Chuen Luk

Serial No.: 10/078,613

Filing Date: February 19, 2002

For: *Method of Making Coffee and
Coffee Maker*

§ Attorney Docket No.: M&C-45

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Art Unit No.: 1761

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Examiner: Anthony J. Weier

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed November 17, 2003, in the captioned application, enclosed is Applicant's Response. It is understood that no fee is due in connection with filing the Response; however, in the event a fee is found to be due, the Commissioner is authorized to debit Deposit Account No. 02-4345. This authorization is provided in duplicate.

Respectfully submitted,

C. James Bushman
Reg. No. 24,810

Date: December 17, 2003

BROWNING BUSHMAN P.C.
5718 Westheimer, Suite 1800
Houston, TX 77057-5771
Tel.: (713) 266-5593
Fax: (713) 266-5169

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CERTIFICATE OF MAILING

I, Sheri Cooper, hereby certify that this correspondence and all referenced enclosures are being deposited by me with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 17, 2003.

By:



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RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

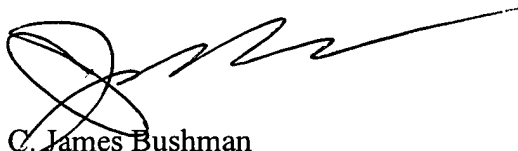
Sir:

In response to the restriction requirement, applicant elects, with traverse, Claims 2-6 drawn to the coffee maker (apparatus). The Examiner has buttressed the restriction requirement on the fact that the process can be produced using an apparatus with only one line of introduction for alternating steam/hot water delivery. However, assuming *arguendo* that is true, it is not seen how such an apparatus would be materially different given that the inventive concept *vis-a-vis* the method is to treat the coffee grinds both with heated water and steam. This concept is also set forth in the apparatus claims and accordingly, the inventions are not distinct. Furthermore, it is beyond per adventure that a search directed to the apparatus claims would undoubtedly uncover any references that were directed to the method claim.

For the foregoing reasons, it is respectfully requested that the restriction requirement be

withdrawn.

Respectfully submitted,



C. James Bushman
Reg. No. 24,810

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